

REMARKS

Examiner's first rejection

The Examiner has rejected claims 1, 2, 5, and 6 under 35 U.S.C. 112 for the use of the language "would." This language has been eliminated in the amendments, above, and therefore, Applicant believes he has obviated this rejection.

Examiner's second rejection

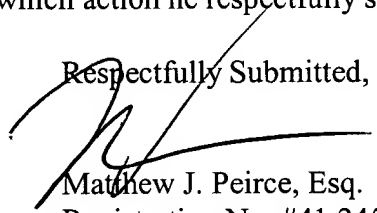
The Examiner has rejected claims 1-8 in this application under 35 U.S.C. 103(a) as being unpatentable over Goodrich (US 5,311,713) in lieu of Fayle (US 6,176,062). Applicant respectfully disagrees with this Examiner, as detailed below.

First and foremost, the Applicant believes that it would not be logical to combine the two prior art references cited to arrive at the present invention. As previously pointed out, Goodrich lacks two essential elements of the present invention. Fayle would not "allow" these other two missing elements to be discovered, because Fayle is designed to cover a "utility pole" – which is for an entirely different purpose than the present invention is to be utilized. Although these two inventions may be in the same field, they clearly are for two vastly different types of protection, and therefore, it would not be "obvious" for a person with average skill in the art to which the invention pertains to combine various characteristics of the two inventions in the manner that the Examiner suggests.

CONCLUSION

For all of the above-described reasons, applicant submits that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicant believes that one or more of the arguments in the "Remarks" section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicant respectfully submits that this application is now in condition for allowance, which action he respectfully solicits.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matthew J. Peirce', is written over the text 'Respectfully Submitted,'.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

CLAIMS

Claim 1 has been amended as follows:

1. An apparatus for protecting the surface of a lally column comprising:
 - (a) a cover having a length and a width, the cover having two sides, a first side and a second side, the cover having two edges, a first edge and a second edge, the cover having a thickness of at least one-half (1/2) inch, the cover being fabricated from a dense foam material, whereby the cover ~~would~~ is be wrapped around a lally column, and
 - (b) fastener means for removably attaching the first edge of the cover to the second edge of the cover once the cover has been wrapped around a lally column.

Claim 2 has been amended as follows:

2. An apparatus according to claim 1 wherein the length of the cover ~~would~~ is ~~be approximately~~ eight feet, and further wherein the width of the cover ~~would be approximately~~ is eleven and one-half inches.

Claim 5 has been amended as follows:

5. An apparatus for providing safety and for individuals and external objects comprising:
- (a) a cover having a length and a width, the cover having two sides, a first side and a second side, the cover having two edges, a first edge and a second edge, the cover having a thickness of at least one-half ($1/2$) inch, the cover being fabricated from a dense foam material, whereby the cover ~~would~~ is be wrapped around a lally column, and
 - (b) fastener means for removably attaching the first edge of the cover to the second edge of the cover once the cover has been wrapped around a lally column.

Claim 6 has been amended as follows:

6. An apparatus according to claim 5 wherein the length of the cover ~~would~~ is ~~be approximately~~ eight feet, and further wherein the width of the cover ~~would be approximately~~ is eleven and one-half inches.